

Aumann, Matthew

From: Aumann, Matthew
Sent: Friday, June 30, 2023 3:31 PM
To: Jacqueline Greene
Cc: Sarah Gelsomino; Ellen Euclide; Menzalora, William; Blomgren, Gilbert; kcalderone; jlatchney; John R. Chlysta (Work)
Subject: RE: Sailor v. Cleveland, et al.
Attachments: 56 - OO Granting Bifurcation.pdf

Thanks, Jacqueline.

My understanding is that discovery on the City is stayed. I just reread the Court's order. It's attached here.

I don't see anything that would allow discovery on the City.

But even if you get past that, Topic 9 is not appropriate for a 30(b)(6) deposition anyway because there are fact witnesses available. *See Jones v. Hernandez*, No. 16-CV-1986-W(WVG), 2018 WL 539082, at *2 (S.D. Cal. Jan. 23, 2018), *objections overruled*, No. 16-CV-1986 W (WVG), 2018 WL 1981207 (S.D. Cal. Apr. 27, 2018); *see also First Fin. Bank Nat'l Ass'n v. Williams*, No. 519CV00128TBRLK, 2021 WL 5085346, at *3 (W.D. Ky. Nov. 2, 2021).

We would need to do any sort of formal response as a team. But if you see a way around these roadblocks, it would inform our discussion.

Matt

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CITY OF CLEVELAND
 Mayor Justin M. Bibb

From: Jacqueline Greene <jacqueline@FGGfirm.com>
Sent: Friday, June 30, 2023 3:13 PM
To: Menzalora, William <WMenzalora@clevelandohio.gov>; Blomgren, Gilbert <GBlomgren@clevelandohio.gov>; Aumann, Matthew <MAumann@clevelandohio.gov>; kcalderone <kcalderone@hcplaw.net>; jlatchney <jlatchney@hcplaw.net>; John R. Chlysta (Work) <jchlysta@hcplaw.net>
Cc: Sarah Gelsomino <sarah@FGGfirm.com>; Ellen Euclide <Ellen@FGGfirm.com>
Subject: Sailor v. Cleveland, et al.

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Counsel:

In light of the Court's ruling on the City's motion to bifurcate and stay *Monell* discovery, we need to wrap up fact discovery relating to the individual defendants. Attached are (1) a notice of deposition for Melvin Smith and (2) an amended FRCP 30(b)(6) notice to the City. We recognize that topics 1 through 8 in the FRCP 30(b)(6) are stayed in light of the Court's order, but we do need to proceed on topic 9 now and then reconvene later on the remaining topics when we are able to go forward on discovery relating to the *Monell* claim. Please let us know your availability in July and August for these depositions.

Hope you all have a good holiday weekend.

Thanks,
Jacqueline

Jacqueline Greene

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